

Exhibit 31

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1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEW JERSEY

3 -----
4 IN RE: AETNA UCR LITIGATION MDL. No. 2020

5 This Document Relates To: Master Case No.
6 ALL CASES 2:07-3541 (FSH) (PS)
7 -----
8

9 30 (B) (6) DEPOSITION OF AETNA BY:

10 DEBORAH S. JUSTO

11 DATE: MARCH 25, 2010

12 HELD AT:

13 SHIPMAN & GOODWIN, LLP
14 ONE CONSTITUTION PLAZA
HARTFORD, CONNECTICUT
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19 Reporter: Sandra V. Semevolos, RMR, CRR, LSR #74
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23
24
25 Job No. NJ247695

1 (Deposition commenced at 10:13 a.m.)

2 DEBORAH S. JUSTO of Aetna, 151

3 Farmington Avenue, Hartford, Connecticut,

4 being first duly sworn, deposes and states

5 as follows:

6 DIRECT EXAMINATION BY MS. QUACKENBOS:

7 Q. Good morning, Ms. Justo. I'm Barbara
8 Quackenbos. I'm one of the plaintiffs' counsel in the
9 Cooper versus Aetna case in which you are appearing.
10 We have other plaintiffs' counsel here, and we
11 appreciate your coming.

12 A. Thank you.

13 Q. As you probably recall, we met back in April
14 of 2005 because you were deposed in the McCoy versus
15 Health Net case.

16 Do you recall that?

17 A. Yes.

18 Q. Do you have the same job title today that
19 you had on April 14th, 2005 when you were deposed in
20 the McCoy case?

21 A. I'm an analyst in the Provider Data Services
22 organization.

23 Q. Would you mind keeping your voice up? I'm
24 five years older so I'm getting, I guess, a little
25 hard of hearing.

1 Do you see that?

2 A. I do.

3 Q. For what period of time did Aetna apply this
4 ACAS Automated Profiling Guideline?

5 MR. SIGLER: Objection, scope.

6 A. That profile guideline as written was never
7 applied. We determined that there was -- it was in
8 error. It was -- in writing here, it was confirmed
9 that it was never in the system logic.

10 BY MS. QUACKENBOS:

11 Q. You are under oath, Ms. Justo.

12 A. I understand.

13 Q. Is it your sworn testimony that there are
14 no -- that if we looked at all of Aetna's claims data
15 that we would not find action code 617 or 657; is that
16 your testimony?

17 MR. SIGLER: Objection, argumentative,
18 and objection to mischaracterizing her testimony.

19 A. No. What I'm saying is, there was never
20 system logic that said any charge that exceeded
21 prevailing fee by any amount.

22 BY MS. QUACKENBOS:

23 Q. Have you reviewed the system logic to see
24 how this profile -- automated profiling guideline,
25 which appears on an Aetna document, was in fact

1 applied?

2 A. This instruction is miswritten. It was
3 never applied as it is written here.

4 Q. How was it applied? If you are saying it
5 wasn't applied the way it's written, how was it
6 applied?

7 A. For a period of time, there was, as you
8 mentioned, that is 407 and 410, where there was the
9 comparison against prevailing fee to determine if it
10 was less than -- the submitted charge was less than 50
11 percent or greater than 150 percent of prevailing fee.

12 Q. Ms. Justo, I mentioned that if you turn to
13 page 1 of Exhibit 15, those guidelines which appear as
14 3 and 4, "Do not profile situations where Edit 410
15 displays submitted charge is less than half the
16 prevailing fee," and number 4 says "Do not profile
17 situations where Edit 407 displays submitted charge
18 exceeds prevailing fee by 150 percent.

19 Those appear under the heading "Per TOLR the
20 following guidelines have been published for manual
21 nondental claims."

22 There is no indication on this sheet that
23 those two profiling rules would apply under the TOLR
24 ACAS Automated Profiling Guidelines which appear on
25 page 2; correct?

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1 C E R T I F I C A T E

2 STATE OF CONNECTICUT

3 I, SANDRA V. SEMEVOLOS, a Registered Merit
4 Reporter/Notary Public within and for the State of
Connecticut, do hereby certify that I reported the
5 deposition of DEBORAH S. JUSTO on MARCH 25, 2010, at
the offices of SHIPMAN & GOODWIN, LLP, ONE
6 CONSTITUTION PLAZA, HARTFORD, CONNECTICUT.

7 I further certify that the above-named
deponent was by me first duly sworn to testify to the
truth, the whole truth and nothing but the truth
concerning his/her knowledge in the matter of the case
8 IN RE: AETNA UCR LITIGATION, This Document Relates
To: ALL CASES, now pending in the UNITED STATES
9 DISTRICT COURT, for the DISTRICT OF NEW JERSEY.

10 I further certify that the within testimony
11 was taken by me stenographically and reduced to
typewritten form under my direction by means of
12 COMPUTER ASSISTED TRANSCRIPTION; and I further certify
13 that said deposition is a true record of the testimony
given by said witness.

14 I further certify that I am neither counsel
15 for, related to, nor employed by any of the parties to
the action in which this deposition was taken; and
further, that I am not a relative or employee of any
16 attorney or counsel employed by the parties hereto,
nor financially or otherwise interested in the outcome
17 of the action.

18 WITNESS my hand and seal this 5th day of
19 April, 2010.

20
21 Sandra V. Semevolos, RMR/CRR
22 Notary Public
23 My Commission Expires: September 30, 2010
License Registration Number: 74

Exhibit 32

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1
2 UNITED STATES DISTRICT COURT
3 FOR THE DISTRICT OF NEW JERSEY
4 -----X

DARLERY FRANCO, et al.,

5 Plaintiffs,

6 - against - CASE NO. 07-CV-6039(SRC)(PS)

7 CONNECTICUT GENERAL LIFE
INSURANCE CO., et al.,

8 Defendants.
9 -----X

In Re:

10 AETNA UCR LITIGATION
MDL NO. 2020

11 Master File No.
12 2:07-CV-3541
13 -----X

14 Volume II
15 TRANSCRIPT OF
16 DEPOSITION OF CATHERINE HANSON

17 TRANSCRIPT of the stenographic
18 notes of the proceedings in the
19 above-entitled matter, as taken by and
20 before TAB PREWETT, a Registered
21 Professional Reporter, a Certified
22 Shorthand Reporter, a Certified LiveNote
23 Reporter, and Notary Public, held at the
24 offices of WHATLEY DRAKE & KALLAS, LLC,
25 1540 Broadway, New York, New York, on
Tuesday, June 22, 2010, commencing at 9:10 a.m.

1 Catherine Hanson

2 MR. DOREN: On the record.

3 C A T H E R I N E H A N S O N ,

4 having been previously sworn by the notary
5 public to testify to the truth, testified
6 as follows:

7 CONTINUED DIRECT EXAMINATION BY MR. DOREN:

8 Q Good morning, Ms. Hanson.

9 A Good morning.

10 Q Do you understand you are still
11 under oath today?

12 A Yes, I do.

13 Q Did the AMA develop AMA Path as
14 part of its initiative to create tools for
15 providers to establish defensible fee
16 schedules?

17 A It created it for physicians to
18 create the defensible fee schedules. Yes.

19 Q And was AMA Path developed by
20 the AMA with the assistance of Frank Cohen?

21 A No. AMA Path was developed by
22 Frank Cohen.

23 Q Did the AMA have -- excuse
24 me -- did the AMA request that he develop
25 it?

1 Catherine Hanson

2 Q To find out whether patient
3 financial responsibility has been waived in
4 the context of a particular claim, would
5 one have to discuss that with either the
6 patient or the physician?

7 MS. KALLAS: Objection as to
8 form.

9 A I believe that that information
10 would typically be available in the
11 physician's practice management system
12 because it would be indicated in their
13 accounts receivable as to whether they --
14 what happened to the claim.

15 Q So in other words you could
16 find out whether a patient's financial
17 responsibility had been waived by looking
18 at an individual physician's practice
19 management system?

20 MS. KALLAS: Objection as to
21 form.

22 A Yes, I believe you would be
23 able to see whether the claim had been
24 referred for collection, whether it had
25 been written off for some reason. It

1 Catherine Hanson

2 should all be in there, yes.

3 Q And you would have to go look
4 to the individual physician's practice
5 management system in order to determine
6 whether a patient's financial
7 responsibility had been written off,
8 correct?

9 MS. KALLAS: Objection as to
10 form.

11 A Well, I'm not sure what this is
12 about. But, I mean, you could go to the
13 patient and find out if they had -- if they
14 had paid. I am trying to think of what
15 other thing you could do.

16 But, generally speaking, I
17 would think that the best source of the
18 information would be the physician's
19 practice management system.

20 Q Other than the patient or the
21 doctor, can you think of any place else you
22 would go to find out whether the patient's
23 financial responsibility had been excused?

24 MS. KALLAS: Objection as to
25 form.

1 Catherine Hanson

2 A Well, I guess the collection
3 agency, if they had decided at some point
4 that the collection effort was not worth --
5 wasn't worthwhile pursuing it.

6 Q Does the AMA have any
7 information regarding the number of
8 physicians who balance-bill their patients
9 for care provided on an out-of-network
10 basis?

11 A I believe that the California
12 Medical Association did a survey of that.
13 And I am not certain whether the California
14 Medical Association forwarded that
15 information to the AMA.

16 As I recall, the California
17 Medical Association survey was anecdotal,
18 as you like to phrase it. It was not a
19 statistically -- it was not a statistically
20 valid survey in that nobody -- it wasn't a,
21 you know, calling some random sample of
22 doctors and getting information. It was a
23 self-reported piece of information.

24 Q When you say "anecdotal" in
25 that response, what do you mean?

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2 CERTIFICATE

3 I, TAB PREWETT, A Registered
4 Professional Reporter, Notary Public,
5 Certified LiveNote Reporter, and Certified
6 Shorthand Reporter, do hereby certify that
7 prior to the commencement of the
8 examination CATHERINE HANSON was sworn by a
9 notary public to testify the truth, the
10 whole truth and nothing but the truth. I
11 DO FURTHER CERTIFY that the foregoing is a
12 true and accurate transcript of the
13 testimony as taken stenographically by and
14 before me at the time, place and on the
15 date hereinbefore set forth. I DO FURTHER
16 CERTIFY that I am neither a relative nor
17 employee nor attorney nor counsel of any of
18 the parties to this action, and that I am
19 neither a relative nor employee of such
20 attorney or counsel, and that I am not
21 financially interested in the action.

22

23 Notary Public

24 My Commission expires February 9, 2014

Dated: June 23, 2010

25